

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **1431**



Introduced by Representative LEILA M. DE LIMA

AN ACT
DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS
DEFENDERS, DECLARING STATE RESPONSIBILITIES, AND INSTITUTING
EFFECTIVE MECHANISMS TO PROMOTE AND PROTECT
THE RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution provides that, "[t]he State values the dignity of every human person and guarantees full respect for human rights."

The Philippines is a State Party to eight (8) human rights treaties of the United Nations (UN), and has accepted two (2) individual complaints procedure, and two (2) inquiry mechanisms. The country has various laws on human rights, which include *inter alia*, Republic Act (RA) No. 9745 or the "Anti-Torture Act of 2009", RA No. 9710 or the "Magna Carta of Women Act of 2009", and RA No. 10353 or the "Anti-Enforced or Involuntary Disappearance Act of 2012".

The Commission on Human Rights (CHR), the national human rights institution of the Philippines, was established under the 1987 Constitution. It is the agent which helps the State bring to the level of domestic implementation, human rights promotion and protection found in treaties to which it is a State Party. Besides the CHR, there are also offices established in the Executive Department that advocate for human rights which include the Presidential Human Rights Committee, the Human Rights Office of the Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP) Human Rights Affairs Office.

However, it is very alarming that despite legal standards and mechanisms in place, Human Rights Defenders (HRDs) continue to be under threat as flagrant violations human rights and fundamental freedoms continue to persist in the Philippines, such as summary executions, filing of trumped-up charges, arbitrary arrests and detention, red-tagging, death threats, vilification, wrongful persecution, and slut-shaming, among others.

In the Report of the Working Group on the Philippines' Universal Periodic Review (UPR) Submission, eleven (11) recommendations referred to the situation of

human rights defenders.¹ In these recommendations, the areas of common concern include a protection system for the HRDs, an enabling environment to carry out their work, and the adoption of a national law for the promotion of the rights of the HRDs.²

Regrettably, the Philippine government merely *noted* but did not commit to support the recommendations in the said Report in the UPR concerning HRDs.³ What is even disturbing is that then President Rodrigo Duterte himself publicly warned that he will order the shooting of human rights advocates.⁴ This pronouncement from no less than the Chief Executive clearly put human rights defenders under serious threat and encouraged culture of impunity. The late, then Congressman Edcel Lagman revealed that 134 human rights defenders had been killed since President Duterte assumed office.⁵

In the November 2017 report of human rights organization Karapatan, it was reported that there were already 17 women HRDs who were killed under the Duterte administration. Enforced disappearance, death, harassment, suppression of fundamental human rights and freedoms are continuing challenges to individuals and the organizations carrying out human right advocacies.

This has not escaped notice from the international community. On July 2017, three (3) Special Rapporteurs asked the Philippine government to prevent incitement to violence, and investigate extrajudicial killings of human rights defenders.⁶

The sorry state of human rights advocacy in the Philippines was also made worse by the pronouncements of the previous administration that belittled the role and influence of the CHR.

In 2024, UN Special Rapporteur on freedom of opinion and expression Irene Khan stated that threats, vilification and violence against journalists and human rights defenders in the Philippines were particularly high during the previous administration of Rodrigo Duterte, but intimidation of critical voices continued under President Ferdinand “Bongbong” Marcos Jr.⁷

UN Special Rapporteur Khan also noted that “many individuals critical of state policies, including human rights defenders, social justice advocates, journalists,

¹ United Nations. (8 May 2017). Universal Periodic Review - Philippines. Retrieved from <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PHindex.aspx>.

² Ibid.

³ United Nations. (19 September 2017). A/HRC/36/12/Add.1. Retrieved from https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/12/Add.1.

⁴ Ranada, P. (16 August 2017) Duterte warns he'll order shooting of human rights advocates. Retrieved from <https://www.rappler.com/nation/178968-duterte-probe-shoot-human-rights-advocates>.

⁵ Gonzales, C. (5 June 2019). 134 human rights defenders killed since Duterte assumed office — Lagman. Retrieved from https://newsinfo.inquirer.net/1127091/134-human-rights-defenders-killed-since-duterte-assumed-office-lagman?utm_medium=Social&utm_source=Facebook#Echobox=1559720799.

⁶ United Nations. (31 July 2017). Philippines needs urgent action to reverse spiralling rights violations, UN experts say. Retrieved from <https://www.ohchr.org/en/press-releases/2017/07/philippines-needs-urgent-action-reverse-spiralling-rights-violations-un?LangID=E&NewsID=21926>.

⁷ United Nations. (2 February 2024). Philippines: UN expert calls for more sustained reforms to prevent threats and killings of journalists and activists. Retrieved from <https://www.ohchr.org/en/press-releases/2024/02/philippines-un-expert-calls-more-sustained-reforms-prevent-threats-and>.

students, trade unionists and others continued to be unfairly branded as supporters, recruiters or members of the Communist Party of the Philippines-New People's Army (CPP-NPA), resulting in increased human rights risks.⁸

This proposed legislation, which underwent a process of consultation with stakeholders and human rights defenders, and guided as well by the *United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, otherwise known as the "Declaration for Human Rights Defenders,"⁹ and the *Model National Law on the Recognition and Protection of Human Rights Defenders*,¹⁰ aims to institutionalize and enforce state obligations to provide protection to HRDs, and to establish effective legal remedies for violations of the rights of HRDs.

Similar measure was approved on third and final reading in both the 17th and 18th Congresses of the House of Representatives, and the same bill was filed during the 19th Congress, but was not passed. This Representation, as a former Senator, also filed the same bill in the Senate during the 17th and 18th Congresses but remained pending in the Committee level.

The enactment of this measure would build a dynamic community of human rights workers in the Philippines that are free and protected, working hand-in-hand with a government that supports their work and ensure accountability for violations of their rights and freedoms.

The government needs to ensure that HRDs receive enough support and protection to allow them to fulfill their duty without fear of being harassed and killed. Let us protect those who defend our human rights and dignity.

The passage of this bill is earnestly sought.


LEILA M. DE LIMA

⁸ Ibid.

⁹ UN General Assembly Resolution No. 53/144. (9 December 1998). Retrieved from <https://digitallibrary.un.org/record/265855?ln=en&v=pdf>.

¹⁰ International Service for Human Rights. (15 June 2016). Model Law for the Recognition and Protection of Human Rights Defenders. Retrieved from https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf.

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THE RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

CHAPTER I
PRELIMINARY PROVISIONS

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Human Rights*
2 *Defenders Protection Act.*”

3
4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State:

5
6 a. To value the dignity of every human person and to recognize, respect,
7 protect, promote and fulfill the rights and fundamental freedoms of persons,
8 individually or in association with others, regardless of race, ethnicity, color,
9 sexual orientation and gender identity, language, religion, political or other
10 opinion, national or social origin, property, birth or other status;

11
12 b. To give highest priority to the implementation of legislative enactments,
13 executive issuances and judicial decisions that guarantee respect,
14 protection, promotion and fulfillment of human rights and fundamental
15 freedoms;

16
17 c. To provide access to legal remedies and reparative measures including
18 monetary compensation and psychosocial accompaniment and
19 rehabilitation to human rights violations victims;

20
21 d. To fully and strictly adhere to the principles and standards on human rights
22 and fundamental freedoms set by the Constitution and international human
23 rights instruments including the:

1. Universal Declaration of Human Rights (UDHR);
2. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);
3. International Covenant on Civil and Political Rights (ICCPR);
4. International Covenant on Economic, Social and Cultural Rights (ICESCR);
5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
6. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
7. Convention on the Rights of the Child (CRC);
8. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);
9. Convention on the Rights of Persons With Disabilities (CRPD);
10. International Convention for the Protection of All Persons from Enforced Disappearance (CPED);
11. Declaration on the Rights of Indigenous Peoples; and
12. Other universal treaties, comments and resolutions.

SEC. 3. *Construction in Favor of Human Rights Defenders.* - All provisions of this Act shall be construed to achieve its objectives. All doubts in the implementation and interpretation of these provisions shall be resolved in favor of the human rights defender.

SEC. 4. *Definition of Terms.* - The following terms are hereby defined, as follows:

- a) *Human Rights and Fundamental Freedoms* – refer to rights or entitlements inherent in all human persons and freedoms recognized in or declared by international and regional human rights instruments and customary international law and by national laws that are consistent with the said instruments and law;
- b) *Human Rights Defender* – refers to any person who, individually or in association with others, acts or seeks to act to protect, promote or strive for the protection and realization of human rights and fundamental freedoms and welfare of the people, at the local, national, regional, and international levels;
- c) *Human Rights Organization* – refers to a group, organization or association in the local, national, regional or international level, whether formal or informal, that strive for the protection of human rights and fundamental freedoms and welfare of the people;
- d) *Government Agency* – refers to any department, bureau, office or unit of the National Government, or any of its branches and instrumentalities, or any political subdivision, as well as any government-owned or controlled

corporation, including its subsidiaries, or other self-governing branch, commission or council of the Government, to include but not limited to any grouping of the Armed Forces of the Philippines, Philippine National Police or other state security forces, including military or police force multipliers;

- e. *Superior Officer* – refers to the next government official who has supervisory powers or control over the head of the government agency to whom the subject head reports and shall include but not limited to the President, Department Secretaries, Chief-of-Staff of the Armed Forces of the Philippines, the Commanding General or Rear Admirals of any service in the Armed Forces of the Philippines or the Director General of the Philippine National Police;
- f. *Intergovernmental Organization* – refers to an organization established through a treaty or other treaties and mechanisms in pursuit of common issues, concerns and interests;
- g. *Public Authority* – refers to any person or body performing a function of a public nature that is conferred or imposed by or pursuant to law, by popular election or appointment or delegated, contracted by a governmental authority or agency;
- h. *Intimidation or Reprisal* – refers to any form of violence, threat, retaliation, *de facto* or *de jure* adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action or threat related to a person's status, work or activity as a human rights defender, including proposed, attempted, or imputed work or activity directed at the: (i) human rights defender; (ii) the human rights defender's associate(s); (iii) a legal or other representative of the human rights defender appointed to conduct his or her affairs or to otherwise act on his or her behalf; (iv) a family member or relative of the human rights defender up to fourth degree of consanguinity or affinity, and includes common law relations; (v) a group, association, organization, community or network, whether formal or informal, with which the human rights defender is associated; (vi) or the home, property or possessions of the human rights defender or any of the other persons or entities in items (ii) to (vi).

CHAPTER II RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

SEC. 5. *Right to promote and protect human rights and fundamental freedoms.*
– Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the local, national, regional and international levels.

SEC. 6. *Right to form groups, associations and organizations.* – Everyone, individually or in association with others, has the right to form, join, or associate with and participate in local, national, regional, or international organizations, whether formal or informal and whether registered or unregistered, for the purpose of promoting

1 and striving for the protection and realization of human rights and fundamental
2 freedoms.

3
4 SEC. 7. *Right to solicit, receive and utilize resources.* – (1) Everyone,
5 individually or in association with others, has the right to solicit, receive and utilize
6 resources from domestic and international organizations, including governmental,
7 intergovernmental, philanthropic and private sources, for the express purpose of
8 promoting and striving for the protection and realization of human rights and
9 fundamental freedoms.

10
11 (2) In pursuance of the right in subsection (1), subject to the provisions of
12 existing laws and consistent with the provisions of this Act, freezing, sequestration or
13 seizure by any bank or financial institution of the fund solicited and released by the
14 source is hereby prohibited.

15
16 SEC. 8. *Right to seek, receive and disseminate information.* – (1) Everyone,
17 individually or in association with others, has the right:

18
19 (a) to know, seek, access, obtain, receive and hold information about all
20 human rights and fundamental freedoms, including information
21 regarding how those rights and freedoms are given effect in our
22 legislative, judicial and administrative systems;

23
24 (b) to know, seek, access, obtain, receive and hold such information
25 from business enterprises and other private actors as may be
26 necessary for exercising or protecting, or assisting to exercise or
27 protect human rights or fundamental freedoms;

28
29 (c) to freely publish, impart or disseminate to others views, information
30 and knowledge on all human rights and fundamental freedoms; and

31
32 (d) to study, discuss, form and hold opinions on the observance, both in
33 law and in practice, of all human rights and fundamental freedoms and,
34 through these and other means, to draw public attention to those
35 matters.

36
37 (2) The right in subsection (1) may be exercised orally, in writing, in print, in the
38 form of art or through all forms of communication and media.

39
40 SEC. 9. *Right to develop and advocate for human rights ideas.* – Everyone,
41 individually or in association with others, has the right to develop and discuss new
42 ideas and principles which relate to human rights and fundamental freedoms, and to
43 advocate for their acceptance.

44
45 SEC. 10. *Right to communicate with non-governmental, governmental and*
46 *intergovernmental organizations.* – Everyone, individually or in association with others,
47 has the right to freely communicate with non-governmental, governmental and
48 intergovernmental organizations, including subsidiary bodies, mechanisms or experts
49 with a mandate relevant to human rights and fundamental freedoms, as well as with
50 diplomatic representations.

1
2 SEC. 11. *Right against vilification.* – A person, individually and in association
3 with others, has the right against any act of false labelling or name calling, or of
4 malicious and fabricated accusations against him or her of any offense, or from any
5 other kind of vilification.
6

7 SEC. 12. *Right to access, communicate with and cooperate with international*
8 *and regional human rights bodies and mechanisms.* – In accordance with applicable
9 international instruments and procedures, everyone, individually or in association with
10 others, has the right to unhindered access and to communicate and cooperate with
11 international and regional human rights bodies and mechanisms, including treaty
12 bodies and special procedures or special rapporteurs.
13

14 SEC. 13. *Right to participate in public affairs.* – (1) Everyone, individually or in
15 association with others, has the right to participate effectively in the conduct of public
16 affairs, including participation on a non-discriminatory basis in the government
17 regarding human rights and fundamental freedoms.
18

19 (2) The right referred to in subsection (1) includes the right:
20

- 21 a. To submit to any public authority, or agency or organization
22 concerned with public affairs, criticism on or proposals for
23 improving its functioning with respect to human rights and
24 fundamental freedoms;
25
- 26 b. To make recommendations to any public authority regarding
27 legislative or regulatory changes relating to human rights and
28 fundamental freedoms;
29
- 30 c. To draw to the attention of any public authority any aspect of its
31 work that may hinder or impede the promotion, protection and
32 realization of human rights and fundamental freedoms;
- 33 d. To call the attention of any public authority to any action or
34 omission by any actor, private or public, that may involve or
35 contribute to a violation of human rights or fundamental
36 freedoms; and
37
- 38 e. To freely publish, impart or disseminate to others any information
39 submitted to any public authority in the exercise of the rights set
40 out in this Chapter.

41 SEC. 14. *Right to peaceful assembly.* – (1) Everyone, individually or in
42 association with others, has the right to meet or assemble peacefully as well as to
43 participate in peaceful activities concerning human rights and fundamental freedoms,
44 free from interference that is arbitrary or unlawful by public authorities and private
45 actors, at the local, national, regional or international level.
46

47 (2) The right referred to in subsection (1) includes the right to plan, organize,
48 participate in and disseminate information regarding peaceful activities concerning

1 human rights and fundamental freedoms, including demonstrations, protests,
2 seminars and meetings, whether conducted in a public or private place.

3
4 SEC. 15. *Right to represent and advocate.* – (1) Everyone, individually and in
5 association with others, has the right to assist, represent or act on behalf of another
6 person, group, association, organization or institution in relation to the promotion,
7 protection and exercise of fundamental rights and freedoms, including at the local,
8 national, regional and international levels.

9
10 (2) The right referred to in subsection (1) includes the right:

- 11
12 a. To complain about the policies and actions of public authorities with
13 regard to violations of human rights and fundamental freedoms, by
14 petition or other appropriate means, to domestic judicial, administrative
15 or legislative authorities or any other competent authority, e.g.,
16 Commission on Human Rights, the Ombudsman;
17
18 b. To offer and provide professionally qualified legal counsel, paralegal, or
19 other relevant advice and assistance in defending human rights and
20 fundamental freedoms;
21
22 c. To attend public hearings, proceedings and trials so as to form an
23 opinion on their compliance with national law and human rights and
24 fundamental freedoms; and
25
26 d. To submit communications and information of the type referred to in
27 Section 10.
28

29 SEC. 16. *Right to freedom of movement.* – (1) A person who is lawfully within
30 the territory, or subject to the jurisdiction of the Philippines shall, within its territory or
31 place of jurisdiction, has the right to liberty of movement and freedom to choose his or
32 her residence and shall have the right to carry out lawful activities in the entire territory
33 or place of jurisdiction.
34

35 (2) No one lawfully within the Philippine territory shall be expelled, by means of
36 an individual or a collective measure, from its territory, wholly or partially, on account
37 of the acts as a human rights defender.

38 (3) No one shall be deprived of the right to enter or leave the country on account
39 of one's status, activities or work as a human rights defender.
40

41 SEC. 17. *Right to privacy.* – (1) Everyone, individually or in association with
42 others, has the right to privacy.
43

44 (2) The right referred to in subsection (1) includes the right of a human rights
45 defender to protect one's privacy through lawful means, including encryption of
46 personal data, and be free from arbitrary and unlawful intrusion and interference into
47 one's personal activities including those concerning one's family, livelihood and place
48 of work, one's correspondences and possessions, including all digital data pertaining
49 thereto.

1 (3) "Intrusion and interference" under subsection (2) includes any form of
2 surveillance, recording, within the purview of Republic Act No. 4200, otherwise known
3 as "An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the
4 Privacy of Communication, and for Other Purposes," and other related legislation,
5 search and seizure in relation to the legitimate activity or work as a human rights
6 defender.

7
8 (4) The right to privacy extends to groups, organizations or associations.
9

10 SEC. 18. *Freedom from intimidation or reprisal.* – No person shall be subjected,
11 individually or in association with others, to any form of intimidation or reprisal on the
12 grounds of or in relation to one's status, activities or work as a human rights defender.
13

14 SEC. 19. *Right to establish a sanctuary for human rights victims and/or their*
15 *families.* – Any person, individually or in association with others, who has been
16 subjected to any form of intimidation or reprisal, has the right to establish sanctuaries
17 for any human rights violation victim and/or their immediate families. Said sanctuary
18 shall be considered established if that person gives confidential notice to the Human
19 Rights Defenders Protection Committee created under this Act indicating that said
20 place, building or area has been constituted as a sanctuary.
21

22 SEC. 20. *Freedom from defamation and stigmatization.* – No person shall be
23 subject to any form of defamation, stigmatization, or other harassment, whether offline
24 or online, and whether by public authorities or private actors, in connection with one's
25 status, activities or work as a human rights defender.
26

27 SEC. 21. *Right to exercise cultural rights and to the development of personality.*
28 – (1) Consistent with Article 18 (1) of the United Nations Declaration on Human Rights
29 Defenders, everyone, individually or in association with others, has the right to the
30 unhindered exercise of the cultural rights in one's activities and work as a human
31 rights defender and to the free and full development of one's personality.
32

33 (2) The right referred to in Subsection (1) includes the right to challenge and
34 change traditional customs and practices that violate human rights and fundamental
35 freedoms.
36

37 SEC. 22. *Right to effective remedy and full reparation.* – (1) Everyone,
38 individually or in association with others, has the right to an effective remedy and full
39 reparation, both monetary and non-monetary, in the event of a violation of the rights
40 in Chapter II or a breach of obligations under Chapter III of this Act.
41

42 (2) A person whose rights have been violated or who has been adversely
43 affected by a breach of obligations has the right to obtain such effective remedy and
44 full reparation from the appropriate government agency or court of competent
45 jurisdiction.
46

47 (3) A complaint with the competent court or tribunal relating to the violation of
48 rights under a breach of obligations under Chapter III of this Act may be filed by the
49 following:

- a. a human rights defender;
- b. an association of the human rights defender;
- c. a legal or other representative of the human rights defender appointed to conduct the affairs of or to otherwise act on behalf of the human rights defender;
- d. a family member of the human rights defender, within the fourth degree of consanguinity or affinity;
- e. a group, association or organization with which the human rights defender is associated;
- f. any person acting in the public interest and consistently in pursuit of the purposes of this Act; or
- g. the Human Rights Defenders' Protection Committee.

However, the consent of the victim must first be obtained as much as possible. In the absence of such consent, the human rights organization or association may proceed with filing the complaint or petition unless the lack or absence of consent is based on the threat to the life, liberty or security of the victim or his or her family.

SEC. 23. *Limitations on the rights of human rights defenders.* – In exercising the rights under this Chapter, a human rights defender, individually or in association with others, shall be subject only to limitations that are prescribed by law, in accordance with international human rights obligations and standards, are reasonable, necessary and proportionate, and are solely for the purpose of securing due recognition of and respect for the human rights and fundamental freedoms of others and meeting the reasonable requirements of public order and general welfare in a democratic society.

CHAPTER III

OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES

SEC. 24. *Obligation to respect, promote, protect and fulfill the rights of human rights defenders.* – Public authorities shall take all necessary measures to ensure: (1) that the human rights and fundamental freedoms in Chapter II of this Act are effectively guaranteed and protected; (2) that all laws, policies and programs of government are consistent with the rights in Chapter II of this Act, and (3) that human rights defenders are able to undertake their activities and work in a safe and enabling environment free from restrictions.

SEC. 25. *Obligation to facilitate the activities and work of human rights defenders.* – Public authorities shall take all necessary measures in accordance with law to facilitate and protect the exercise of the rights in Chapter II of this Act, which measures include the obligation to:

- a. permit and facilitate access to places where persons are deprived of liberty;
- b. permit and facilitate access to places and to information required by human rights defenders to exercise their rights under Chapter I of this Act;

- c. provide information about violations of human rights or fundamental freedoms that may have been committed within the territory or subject to the jurisdiction, including the power or effective control of the State;
- d. develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to protect and promote human rights and fundamental freedoms; and
- e. publicly recognize the role, function, and activities and work of human rights defenders as legitimate and important.

SEC. 26. *Obligation to provide free access to materials relating to human rights and fundamental freedoms.* – Public authorities shall make freely available and accessible to the public the following materials online and through other modes and platforms of information dissemination:

- a. The Constitution, national laws and regulations;
- b. International human rights instruments;
- c. Research, studies, reports, data, archives and other information and materials within the possession of public authorities that relate to human rights and fundamental freedoms;
- d. Government reports and information submitted to international human rights bodies and mechanisms;
- e. Reports and communications of international human rights bodies and mechanisms involving the country's compliance with international treaty obligations;
- f. Documents and information related to the decisions or activities of the CHR and other national authorities with competence in the field of human rights and fundamental freedoms; and
- g. All such other information as may be necessary to secure or enable the exercise of any human right or fundamental freedom under Chapter II or access to remedy for violation of any such right.

SEC. 27. *Obligation not to disclose confidential sources.* – (1) Public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders unless both the relevant source and the concerned human rights defender give informed consent in writing to such disclosure or if so required by an independent and impartial tribunal in accordance with international standards.

SEC. 28. *Obligation to prevent and to ensure protection against intimidation or reprisal.* – Public authorities shall take all necessary measures to ensure the prevention of, and protection from any intimidation or reprisal by any other public or private actor. These shall include protection measures established under pertinent laws.

SEC. 29. *Obligation to penalize intimidation or reprisal.* – Any public authority or private actor who is found guilty of committing intimidation or reprisal against a person on the grounds of or in connection with his or her status, work, activities as a human rights defender, shall be subject to penalties as provided for the appropriate crime or crimes punishable under the Revised Penal Code, in addition to administrative and/or civil sanctions which take into account the gravity of the offense upon the discretion of the court or competent authority.

1 SEC. 30. *Obligation to refrain from derogatory and unfounded labelling.* – (1)
2 Under no circumstance shall public authorities engage in false, unfounded and
3 derogatory labeling of human rights defenders, which shall include but not be limited
4 to, identifying them as “red,” “communist,” “terrorist” or “enemies of the state”.

5
6 (2) Public authorities shall immediately expunge or rectify such labeling as part
7 of the non-monetary reparation to victims referred to in Section 22 (2) of Chapter I and
8 Section 34 of Chapter III of this Act.

9
10 SEC. 31. *Obligation to ensure protection against arbitrary or unlawful intrusion*
11 *and interference.* – (1) Public authorities shall take extraordinary diligence to ensure
12 the protection of human rights defenders from arbitrary or unlawful intrusion and
13 interference into one’s personal activities including those concerning one’s family,
14 livelihood and place of work, one’s correspondences and possessions, including all
15 digital data pertaining thereto.

16
17 (2) Intrusion and interference in subsection (1) include any form of surveillance,
18 recording, search and seizure in relation to any person’s legitimate activity or work as
19 a human rights defender without his or her consent.

20
21 SEC. 32. *Obligation not to participate in violating human rights and fundamental*
22 *freedoms.* – All public authorities are mandated not to participate, by acts of
23 commission or omission, in violating human rights and fundamental freedoms.
24 Subordinate employees have the right and duty to refuse any order from their
25 superiors to participate in acts that contravene their duty to protect, uphold and
26 promote human rights and fundamental freedoms, and shall not be subject to any
27 administrative sanction as a consequence of such refusal.

28
29 SEC. 33. *Obligation to conduct investigation.* – Whenever there is reasonable
30 ground to believe that a human rights defender has disappeared, been killed, tortured,
31 ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights
32 in Chapter II of this Act, whether by a public authority or private actor, the State must
33 ensure that a prompt, thorough, effective, independent and impartial investigation is
34 conducted with extraordinary diligence and is prosecuted under existing applicable
35 laws, including Republic Act No. 9745, “the Anti-Torture Act”; Republic Act No. 10353,
36 the “Anti-Enforced or Involuntary Disappearance Act”; and Republic Act No. 7438,
37 “An Act Defining Certain Rights of Person Arrested, Detained or Under Custodial
38 Investigation as well as the Duties of the Arresting, Detaining and Investigating
39 Officers, and Providing Penalties for Violations Thereof”. Presumption of regularity in
40 the performance of duty by the offending public authority shall not be invoked.

41
42 SEC. 34. *Obligation to ensure effective remedy and full reparation.* – Public
43 authorities shall take all necessary measures to ensure that an effective remedy and
44 full reparation are available and provided for violations of the rights in Chapter II and
45 for breach of the obligations in Chapter III of this Act.

46
47 SEC. 35. *Obligation to enforce and institutionalize command responsibility.* –
48 Government agencies shall enforce and institutionalize command responsibility and

1 impose sanctions against errant superior in both military and civilian agencies as
2 provided under existing laws and executive issuances.

3
4 SEC. 36. *Obligation to adopt human rights-based governance.* – Public
5 authorities shall adopt the human rights-based approach to governance and
6 development, including counter-insurgency and anti-terrorism programs and policies.

7
8 SEC. 37. *Obligation to strengthen protection program.* – The CHR shall
9 strengthen its protection program and provide a safe place of refuge or sanctuary for
10 high risk human rights defenders and or their immediate families, more particularly
11 those who have filed formal complaints against high-ranking public authorities.

12
13 SEC. 38. *Obligation to respect the Principle of Non-refoulement.* – No person
14 shall be forcibly returned, expelled or extradited to another State where there are
15 substantial grounds to believe that the human rights and fundamental freedoms of the
16 person are in danger of being violated.

17
18 SEC. 39. *Obligation to promote and facilitate human rights education.* – All
19 government agencies shall promote, facilitate and adequately provide resources on
20 teaching, training and education about human rights and fundamental freedoms to all
21 persons within the country's jurisdiction. Teaching, training and education programs
22 shall include information about this Act and the important and legitimate work of human
23 rights defenders.

24
25 The Department of Education (DepEd) and the Commission on Higher
26 Education (CHED) shall require human rights education as an obligatory curriculum in
27 all academic institutions, colleges and universities, public or private.

28
29 SEC. 40. *Diligence Required.* – Any complaint or report for violation of human
30 rights and fundamental freedoms shall be dealt with and acted upon with extraordinary
31 diligence by concerned government personnel. Failure to act within three (3) days from
32 reporting any violation of this Act shall hold the government personnel criminally, civilly
33 and administratively liable.

34
35 **CHAPTER IV**
36 **THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE**

37
38 SEC. 41. *Creation and Composition of the Human Rights Defenders Protection*
39 *Committee.* – (1) There shall be an independent collegial body to be known as the
40 Human Rights Defenders Protection Committee, herein referred to as the Committee,
41 which shall be composed of one (1) Chairperson and six (6) Members. The
42 Chairperson shall be selected by the Commissioners of the Commission on Human
43 Rights from among themselves in an *en banc* session. The six (6) members shall be
44 jointly nominated by two (2) representatives each of the Philippine Alliance of Human
45 Rights Advocates (PAHRA), Karapatan Alliance for the Advancement of People's
46 Rights (Karapatan), Free Legal Assistance Group (FLAG), and the National Union of
47 People's Lawyers (NUPL), as well as other similar groups advocating for protection of
48 human rights, who may later be accredited by the CHR, in a meeting called for this
49 purpose, without prejudice to the nominations of other human rights organizations who
50 have proven track records of probity and independence.

1 (2) The aforementioned nominees shall be appointed by the CHR in an *en banc*
2 session.

3
4 (3) The composition of the Committee shall have a balanced gender
5 representation on the basis of the principles of equality and non-discrimination and
6 adequate representation of ethnic, cultural and minority groups.

7
8 (4) The Committee shall be attached to the CHR for administrative and
9 budgetary purposes only.

10
11 (5) The Committee shall organize itself within thirty (30) days from the
12 completion of the selection process of the Chairperson and Members of the Committee
13 as herein provided in Subsection (1), and shall thereafter organize its Secretariat.

14
15 SEC. 42. *Qualifications of the Committee Members.* – The Members of the
16 Committee shall possess the following qualifications:

- 17
18 1. High moral character, recognized probity, competence, and integrity;
19 2. Known independence in making decisions and taking stances on issues
20 and concerns pertaining to the protection and promotion of human rights
21 and fundamental freedoms;
22 3. Must have a deep, thorough and enlightened knowledge and
23 understanding of human rights and fundamental freedoms and the role,
24 work, and protection needs of human rights defenders; and
25 4. At least two (2) members, including the Chairperson must be members
26 of the Philippine Bar, who have been engaged in the practice of law for
27 at least seven (7) years.

28
29 SEC. 43. *Term of Office.* – The Chairperson and Members of the Committee
30 shall be designated once for a term of five (5) years only. Of those first designated,
31 three (3) Members shall serve for five (5) years, two (2) Members for four (4) years,
32 and the last two (2) Members shall hold office for three (3) years. Succeeding
33 Chairpersons and Members shall be designated for a term of not more than five (5)
34 years. Designation to any vacancy shall be only for the unexpired portion of the term
35 of the predecessor.

36
37 SEC. 44. *Functions of the Committee.* – The Committee shall exercise the
38 following functions:

- 39
40 a. Protect human rights defenders from intimidation and reprisals;
41 b. Ensure accountability for acts of intimidation and reprisal;
42 c. Facilitate and promote inter-agency and inter-department coordination
43 to prevent, protect from, investigate, and ensure accountability for acts
44 of intimidation or reprisal;
45 d. Investigate on its own or on complaint by any party all forms of violations
46 of human rights and fundamental freedoms of human rights defenders;
47 e. Publicly acknowledge and promote the legitimate and important role,
48 activities and work of human rights defenders;

- f. Consult regularly and work closely with human rights defenders in the implementation of this Act;
- g. Monitor existing and proposed legislation, assess their impact or potential impact on the status, activities and work of human rights defenders, and propose amendments and/or remedial measures or block their passage if the measures shall to a large extent adversely affect the human rights defenders and their work and activities;
- h. Prepare and submit reports and communications on the situation of human rights defenders to relevant international and regional human rights bodies and mechanisms;
- i. Monitor and carry out periodic reviews of the implementation of this Act, the first of which shall be conducted one (1) year after its effectivity.
- j. Submit annual reports on the situation of human rights defenders and the status of implementation of this Act to the Office of the President of the Senate and the Office of the Speaker of the House of Representatives;
- k. Make recommendations to relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for human rights defenders, mitigate and prevent the risks they face, and address the root causes of violations against human rights defenders; and
- l. Perform other relevant functions as may be necessary to attain the objectives of this Act.

SEC. 45. *Training and Vetting.* – All persons involved in the work and activities of the Committee, including security and law enforcement officials, shall be appropriately vetted and shall receive training on human rights and fundamental freedoms, the situation and protection needs of human rights defenders prior to the commencement of the involvement, and continuing training designed to ensure full and effective implementation of this Act.

CHAPTER V PENALTIES

SEC. 46. *Penalty for Violations of Sections 5 to 23 of this Act.* – The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its medium period without privilege of parole shall be imposed upon any government personnel or the whole complement of a government unit, the paramilitary personnel or the whole complement of the paramilitary unit, the government asset (and/or the military affiliate) who violates any of the rights of a human rights defender defined in sections 5 to 23 of this Act.

SEC. 47. *Penalty for Destroying, Altering, or Falsifying Records and Documents.* – The penalty of *prision mayor* in its minimum to its medium period or a fine of One Hundred Thousand Pesos (Php100,000.00) or both, at the discretion of the court, shall be imposed upon any government personnel or the whole complement of a government unit, the paramilitary personnel or the whole complement of the paramilitary unit, the government asset (and/or the military affiliate) who impede, obstruct, or influence any preliminary investigation, administrative investigation and/or petition by altering, destroying, mutilating, concealing, covering up, falsifying, or making any false entries in any record, document, or specimen whereof, relative to

1 any matter involving any human rights defenders, or activities of the defenders'
2 organizations.

3
4 SEC. 48. *Penalty for any other Violations of this Act.* – The penalty of *prision*
5 *mayor* in its minimum period or a fine of One Hundred Thousand Pesos (Php
6 100,000.00) or both, at the discretion of the court, shall be imposed upon any individual
7 who violates any other provisions of this Act.

8
9 SEC. 49. *Violations of this Act as aggravating circumstances.* – Any violation of
10 any provision of this Act committed during the commission of a crime defined in any
11 penal laws shall be considered as an aggravating circumstance in the imposition of
12 the penalty in said crime.

13
14 SEC. 50. *Non-applicability of the Probation Law.* – Any violation of this Act
15 which shall constitute the main crime or as an aggravating circumstance shall not
16 entitle the offender or the accused to the privileges of probation under the Probation
17 Law.

18 19 CHAPTER VI 20 FINAL PROVISIONS 21

22 SEC. 51. *Implementing Rules and Regulations.* – (1) Within sixty (60) days from
23 the effectivity of this Act, the Commission on Human Rights, a Member of the House
24 Committee on Human Rights, a Member of the Senate Committee on Justice and
25 Human Rights, in consultation with PAHRA, Karapatan, FLAG, and NUPL, and other
26 human rights organizations and individual human rights defenders of known probity,
27 shall jointly promulgate the Implementing Rules and Regulations (IRR) for the effective
28 implementation of this Act and shall ensure the full dissemination of the Act and the
29 IRR to the public.

30
31 (2) In formulating the corresponding rules and regulations and in implementing
32 this Act, the following guiding principles shall be strictly adhered to:

- 33
34 a. Adherence to the rule of law is the ultimate safeguard against violations
35 of human rights and fundamental freedoms.
36 b. Empowerment of human rights defenders is enhanced by their active
37 participation in formulating, implementing, and evaluating protection
38 programs for human rights defenders.
39 c. Periodic assessments of risks, vulnerability or conflict help identify
40 protection needs of human rights defenders giving particular attention to
41 those of women and others' who are at increased risks.
42 d. Keeping and maintaining confidentiality of the personal data collected on
43 human rights defenders and those referred to in Sec. 22 (3) herein
44 upholds their right to privacy and security of person.
45 e. Continuous training of the members of the Committee Secretariat on
46 human rights and fundamental freedoms, the root causes of their
47 violations, and the work and protection needs of human rights defenders
48 help sustain their commitment to the objectives of the Act.
49 f. Independent and effective operation of the Committee and its Secretariat
50 requires sustained adequate resources.

- 1 g. Transparent, aboveboard, and equitable resource allocation and
- 2 disbursement help ensure maximum protection to human rights
- 3 defenders and their constituencies particularly those of higher risks and
- 4 vulnerabilities.
- 5 h. Risks and challenges faced by women and Lesbian, Gay, Bisexual,
- 6 Transgender, Queer/Questioning, Intersex, and Asexual (LGBTQIA+)
- 7 human rights defenders and those working on women's and LGBTQIA+
- 8 rights and gender issues demand special attention.
- 9 i. Generating support from a strong, independent, and effective national
- 10 human rights institution and from the general public enhances and
- 11 contributes to the effective work of human rights defenders.
- 12 j. Open access to the United Nations and international human rights
- 13 bodies contributes to a safe and enabling environment for human rights
- 14 defenders to work in.
- 15

16 SEC. 52. *Supplementary Application.* – The applicable provisions of the Revised
17 Penal Code shall have supplementary application insofar as they are consistent with the
18 provisions of this Act.

19
20 SEC. 53. *Appropriations.* – The amounts necessary for the implementation of
21 this Act shall be included in the annual General Appropriations Act.

22
23 SEC. 54. *Separability Cause.* – If for any reason any part or provision of this
24 Act is declared unconstitutional or invalid, the other parts or provisions hereof which
25 are not affected thereby shall remain and continue to be in full force and effect.

26
27 SEC. 55. *Repealing Clause.* – All laws, decrees, executive orders, rules and
28 regulations and other issuances or parts thereof inconsistent with the provisions of this
29 Act are hereby repealed, amended or modified accordingly.

30
31 SEC. 56. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
32 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,